

Notice of Allowability

Application No.

10/815,194

Examiner

JOHN M. VILLECCO

Applicant(s)

SHONO, TETSUJI

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 5/19/06 and the responses filed 6/13/07 and 12/6/07.
2. ☒ The allowed claim(s) is/are 1-31.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 09/089,404.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

/JOHN M. VILLECCO/
Primary Examiner, Art Unit 2622
April 24, 2008

EXAMINER'S STATEMENT OF REASONS FOR ALLOWANCE

1. In response to the examiner's request to submit an amendment to the specification identifying the related reissue applications, a comprehensive amendment to correct defects in the amendment format of previous amendments, and the request for a supplemental reissue declaration, applicant has submitted all of the required paperwork, as of May 19, 2006.
2. Additionally, the Office required a new terminal disclaimer and a new oath. The applicant has submitted these requirements as of June 13, 2007 and December 6, 2007, respectively.
3. Therefore, applicant has placed the case into condition for allowance.
4. The terminal disclaimer filed on June 13, 2007 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of any Patent granted on the application number of 10/815,193 has been reviewed and is accepted. The terminal disclaimer has been recorded.

Allowable Subject Matter

5. Claims 1-31 are allowed.
6. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the primary reason for allowance is that the prior art fails to teach or reasonably suggest a mechanism for moving the image pickup device between the first and

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second position, wherein the moving mechanism moves the image pickup device to the first position when the photographic lens is moved from the retracted position to the photographing position, and moves the image pickup device to the second position when the photographic lens is moved from the photographing position to the retracted position.

Regarding claims 14 and 23, the primary reason for allowance is that the prior art fails to teach or reasonably suggest a camera capable of moving the barrel along an optical axis between and including a plurality of photographic positions and at least one position in which no photograph can be taken and positioning all of the optical elements along the optical axis when the barrel is in all of the plurality of photographing positions, and positioning at least one optical elements out of the optical axis and another of the optical elements along the optical axis, such that at least a portion of the aforementioned optical elements are located along a common plane perpendicular to the optical axis, when the barrel is in a position in which no photograph can be taken.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. VILLECCO whose telephone number is (571)272-7319. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JOHN M. VILLECCO/
Primary Examiner, Art Unit 2622
April 24, 2008